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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

St. Louis DIVISION

Raymond D. Cooper

(Write the full name of the plaintiff in this action.
Include prisoner registration number.)

v.

Justin Gelfand

(Write the full name of each defendant. The caption
must include the names of all of the parties.
Fed. R. Civ. P. 10(a). Merely listing one party and
writing "et al." is insufficient. Attach additional
sheets if necessary.)

Case No: _____
(to be assigned by Clerk of District Court)

Plaintiff Requests Trial by Jury

☒ Yes ☐ No

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the \$400.00 filing fee or an application to proceed without prepayment of fees and costs.

I. The Parties to this Complaint.

A. The Plaintiff

Name: Raymond D. Cooper

Current Institution: Saint Genevieve County Jail

Prisoner status: Pretrial Detainee

B. Defendant

Defendant I.

Name: Justin Gelfand

Job or Title: Attorney At Law

Address: 7700 Bonhomme

Suite 750

St. Louis, Mo, 63105

Sued in Individual capacity and official Capacity

II. Statement of Claim

I have been charged with a Criminal Offense in which I've been appointed Counsel. My Attorney assigned is Justin Gelfand.

Mr. Gelfand has known about exculpatory evidence and other Brady Material and has permitted it to be withheld from my inspection.

In the Criminal Case the Government is using texts from social media to assemble a police report as a foundation for the criminal indictment. There are selective messages in this report without the complete report and transcripts of a years worth of messages.

I requested my Counsel to obtain these messages which some are exculpatory. My Counsel has responded "You were provided" with all "relevant" texts". I voiced I have a right to view all evidence available in this case and he has refused to aid me to obtain them.

I also wished to petition the Court to suppress specific evidence obtained by unlawful or illegal means. My counsel has refused to aid me or write and file the motions on my behalf.

At this point I requested new counsel because my attorney has become deliberately indifferent to my wishes. And has begun to present plea deals from the Government with "deadlines" to coerce me to accept a plea before I'm given a chance to view all the evidence not surrendered by the police or Government.

My Counsel has permitted evidence to be withheld. And has openly violated my rights to Due Process by permitting this Governmental misconduct.

Mr. Gelfand has violated S. 1380 "Due process protections Act" and has permitted the Government to deliberately withhold evidence in which is exculpatory or Impeachable to the Government's case.

The Government and Mr. Gelfand has communicated that this Plaintiff is being refused Brady Material in which is in violation of Acts of Congress.

I accuse Mr. Gelfand of being prejudice to my person and as my counsel. And his loyalty is divided.

I Accuse Mr. Gelfand of denying me my right to due process and effective assistance of Counsel.

III. Injuries

Injuries is sustained to my natural born rights as a citizen of the United States. Mr. Gelfand has turned his profession into a Justice for hire. As a court appointed attorney Mr. Gelfand has refused me the right to obtain evidence in my favor. And has occupied a spot in which he has failed to fulfill his obligations as my counsel. Mr. Gelfand has hindered my defense and has assisted in suppressing exculpatory evidence which could prove my factual innocence in a criminal proceeding. Additionally Mr. Gelfand has forced me to file my own motions which he himself has refused to assist or aid me in filing in any way. This opens me to attack by giving me only one option which is to file the documents on my own behalf. Mr. Gelfand failed as my defense counsel by working against me.

IV Relief

I am guaranteed to certain fundamental Rights by being a natural born American on U.S. Soil.

I am guaranteed by the United Constitution to Due process and that includes to be given effective assistance of Counsel for my defense.

My Counsel is not working for my defense.

I am asking for MR. Gelfand to be removed from my counsel and be reprimanded by the U.S. Bar Association, or the Honorable Courts for Brady violations.

V. Exhaustion of Remedies

I requested MR. Gelfand to recuse himself in which he mockingly stated he would still be happy to continue to represent me, after he told me he would lose this case.

I also requested court reassignment which MR. Gelfand is clearly in the stance he will resist my request for change of Counsel.

Remedies to negotiate my counsel to recuse himself is exhausted.

6. Is the case still pending?

☐

Yes

☐

No (If no, give the approximate date of disposition):

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20th day of February, 2020.

Signature of Plaintiff

James D. Cooper